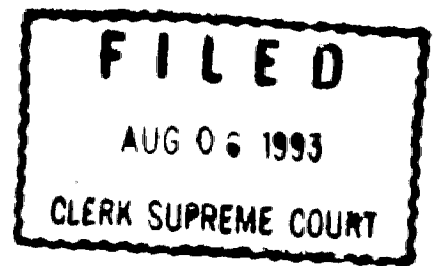


IN THE COURT OF APPEALS OF IOWA

No. 3-400 / 93-726



IN THE INTEREST OF A.S., J.W., K.W., and G.S.,

Minor Children,

J.S.H., Mother,

Appellant.

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Appeal from the Iowa District Court for Clinton County,
Arlen J. Van Zee, District Associate Judge.

The mother appeals the termination of her parental
rights. **AFFIRMED.**

Kenneth F. Schoenauer of Kenneth F. Schoenauer, P.C.,
Clinton, for appellant.

J. David Zimmerman of Pillers, Pillers & Zimmerman,
P.C., Clinton, guardian ad litem, for the children.

Bonnie J. Campbell, Attorney General; John M. Parmeter,
Special Assistant Attorney General; Kathrine S.
Miller-Todd, Assistant Attorney General; and Anthony De
Boef, Assistant County Attorney, for appellee-State.

Considered by Oxberger, C.J., and Donielson and Habhab,
JJ.

HABHAB, J.

J.S.H. appeals the termination of her parental rights to her four children: A.S., born April 25, 1983; J.W., born June 17, 1986; K.W., born July 14, 1987; and G.S., born November 19, 1990. We affirm.

The Department of Human Services (DHS) first received reports concerning the family in October 1988. DHS entered a founded physical abuse report concerning abuse of J.W. by his father, with whom J.S.H. was living. In August 1989, DHS entered a founded report of denial of critical care to the three oldest children against J.S.H. Family services were offered to the family beginning in 1989. Providers noted that J.S.H.'s male dependency was a problem. She was involved with many men and would allow them to discipline her children. She did not intervene when the discipline was inappropriate and unsafe. In addition, K.W.'s therapist reported she believed K.W. had been sexually abused on a number of occasions.

In May 1990, DHS entered a founded physical abuse report concerning J.W. with the perpetrator unknown. J.W. claimed his mother's boyfriend had hit him. In December 1990, a founded physical abuse report concerning J.W. named J.S.H. as the perpetrator. J.W. had such severe behavior problems, he was placed in a residential facility. It appeared the behavior might be related to a long history of physical abuse.

Lutheran Social Services (LSS) provided in-home services between February and August 1991 in an attempt to enable J.W. to return home. J.W. required special adult supervision because of his behavioral disorder. The home environment was chaotic. J.S.H. had difficulties meeting J.W.'s needs. J.S.H. did not seem committed to follow through with the home care plan outlined by the staff at the child psychiatric unit.

On October 2, 1991, it was discovered J.S.H. had gone to Missouri for the weekend and left the three older children without a caretaker. They were removed from her custody pursuant to an ex parte removal order. After a subsequent hearing, the children were adjudicated children in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(c)(2) (1991) (failure to supervise). The older three children were placed in the custody of DHS, and G.S. was placed in the custody of her father.

J.S.H. attended parenting classes provided by LSS for six weeks in January and February 1992. In April 1992, DHS reported J.S.H. was progressing towards regaining custody. She was employed part-time and took an active part in the children's therapy and schooling. Her codependency on abusive men continued as a problem.

In September 1992, DHS recommended an accelerated plan of reunification on three conditions: (1) juvenile court jurisdiction be maintained; (2) J.S.H. have no one living

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with her and the children; and (3) J.S.H. follow instructions about obtaining baby-sitters.

On October 1, 1992, the LSS staff discussed the reunification plan. The staff was concerned because J.S.H. had become engaged to E.H., who had an extensive file at the mental health center and four past founded child abuse reports. These concerns were explained to J.S.H. On October 10, 1992, she married E.H.

On October 27, 1992, DHS notified the juvenile court it could no longer recommend unsupervised visits and accelerated reunification.

On February 3, 1993, a petition to terminate parental rights was filed. After a hearing, the juvenile court terminated J.S.H.'s parental rights. J.S.H. appeals.

Appellate review of termination proceedings is de novo. In re W.G., 349 N.W.2d 487, 491 (Iowa 1984) cert. denied sub nom. J.G. v. Tauke, 469 U.S. 1222 (1985). We give weight to the findings of fact of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those determinations. Id. at 491-92.

The primary concern in termination proceedings is the best interest of the child. Iowa R. App. P. 14(f)(15); In re Dameron, 306 N.W.2d 743, 745 (Iowa 1981).

We look to the child's long-range, as well as immediate, interests. We consider what the future holds for the child if returned to his or her parents. Insight for this determination can be gained from evidence of the parent's past

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performance, for that performance may be indicative of the quality of the future care the parent is capable of providing. Our statutory termination provisions are preventative as well as remedial. They are designed to prevent probable harm to a child.

In re R.M., 431 N.W.2d 196, 199 (Iowa App. 1988) (citing Dameron, 306 N.W.2d at 745).

J.S.H.'s parental rights were terminated under Iowa Code section 232.116(c) and (h) (1991). Iowa Code section 232.116(c) permits the juvenile court to terminate the parent-child relationship if the court finds the following have occurred:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstances which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

Iowa Code section 232.116(h) permits the juvenile court to terminate the parent-child relationship if the court finds:

(1) The child meets the definition of child in need of assistance based on a finding of physical or sexual abuse or neglect as a result of the acts or omissions of one or both parents.

(2) There is clear and convincing evidence that the circumstances surrounding the abuse or neglect of the child, despite the receipt of services, constitutes imminent danger to the child.

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J.S.H. argues the State did not prove by clear and convincing evidence that she had been offered or had received services to correct the circumstances which led to the adjudication. J.S.H. also contends there was insufficient evidence to conclude that the circumstances that led to the adjudication continue to exist despite the offer or receipt of said services.

A consistent concern throughout the case plan is J.S.H.'s codependency to men with abusive backgrounds and her inability to protect her children from these men. The State has provided a wide variety of services in an attempt to remedy this problem and reunify J.S.H. with her children. DHS has provided ongoing services since 1990. LSS monitored visitation between J.S.H. and her children. The LSS staff member would meet with J.S.H. to discuss the visits with the children and go through some parenting skills using observations from the visits. J.S.H. attended a parenting class from January 14, 1992, through February 27, 1992. Individual therapy for J.S.H. was provided at the mental health center from June 16, 1992, through November 17, 1992.

Counseling Associates of Clinton provided a psychological evaluation for J.S.H. on September 21, 1992. She was diagnosed as having an Axis II Dependent Personality Disorder. According to J.S.H.'s therapist, such individuals are unable to make decisions on their own. They continually look to other people to make

decisions for them. They are unable to be alone. It is a pervasive pattern that interferes with occupational and social functioning. It is a personality disorder that is not amenable to counseling. The juvenile court found, and we agree, that this issue has been discussed repeatedly with J.S.H. She has chosen not to implement her therapist's suggestions on what she needs to do to work on the problem. At a staffing in October 1992, J.S.H. was told she needed to make a choice between her children and her boyfriend. Ten days later, J.S.H. married E.H.

Several therapists and case workers testified that despite counseling J.S.H. is still unable to recognize and correct her codependency to men with abusive backgrounds. As a result, these therapists and caseworkers felt J.S.H. is still unable to protect her children.

J.S.H. argues her marriage to E.H. will provide a more stable environment for her children and that E.H. would be a good father of her children. We have a responsibility to consider the parenting abilities and character of any person in J.S.H.'s home who may have a caretaker role in the children's life. In re Z.T.D., 478 N.W.2d 426, 428 (Iowa App. 1991). E.H. has four founded abuse reports concerning his own children. Two of his children were adjudicated CINA. His son was placed out of the home four times within six years, and his daughter has been out of the home for the past three years. His son testified that E.H. has an explosive temper. E.H.'s mother testified that

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E.H. had posttraumatic stress syndrome and owes approximately \$80,000 in back child support. J.S.H.'s dependent personality disorder combined with E.H.'s history with his own children make it unlikely that a stable environment would materialize.

We find the State proved the elements of section 232.116(c) and (h) by clear and convincing evidence. We therefore find the statutory grounds for terminating J.S.H.'s parental rights have been met. We look now to whether the best interests of the children would be served by terminating J.S.H.'s parental rights.

It is unlikely that J.S.H. in the foreseeable future will be able to provide the care necessary for these children. The children's therapists, as well as the guardian ad litem, believe the best interest of the children would be served by terminating the parental rights of J.S.H. We agree. We affirm the juvenile court's decision to terminate J.S.H.'s parental rights.

AFFIRMED.